

---

---

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

---

---

REAGAN JAMES CALDWELL,

Plaintiff,

*versus*

RODERICK W. MCCARTNEY,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 1:04-CV-398

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Reagan James Caldwell, a prisoner confined at the Wynne Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brought this civil rights action pursuant to 42 U.S.C. § 1983 against Roderick W. McCartney.

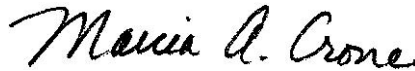
The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting the plaintiff's motion for default judgment with respect to the issue of liability and conducting a hearing with respect to the issue of damages.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. Plaintiff's motion for default judgment is **GRANTED** with respect to the issue of liability. The magistrate judge is directed to conduct an evidentiary hearing with respect to the issue of damages.

SIGNED at Beaumont, Texas, this 5th day of July, 2006.

A handwritten signature in cursive script, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE